

DETAILED ACTION

This office action is in response to the Applicant's reply dated January 19, 2010. The Examiner notes that attempts were made to contact the Applicant's Representative to address the 35 U.S.C. 101 rejection by Examiner's Amendment (the only rejection in this office action), but that the Examiner was unable to get in contact with the Applicant's Representative.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 14 is directed towards a "computer readable medium embedded with a computer program." The broadest reasonable interpretation of a claim drawn to a computer readable medium typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See Official Gazette Notice, 1351 OG 212. A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. 101 by adding the limitation "non-transitory" to the claim.

Allowable Subject Matter

2. Claims 1-13, 15 and 16 are allowed.
3. Claim 14 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 101, set forth in this Office action.

Regarding claim 1, the claim provides the limitation of "creating the output image based on the transformed input pixels of the input image, using (iii) hidden image pixels (iii)(a) for filling de-occluded areas of the transformed input pixels of the input image and (iii)(b) for filling at least one pixel position adjacent to the de-occluded areas of the transformed input pixels of the input image (iii)(c) to create enlarged de-occluded areas filled with pixels of the hidden image for preventing ghost line artifacts, caused by transformation of the pre-filtered input image." The Examiner has not been able to find any prior art to anticipate or obviate the feature that the hidden image is used, in addition to filling in de-occluded areas of the transformed input pixels, also filling in areas adjacent to the de-occluded areas of the transformed input pixels, in combination with the other limitations of the claim. Accordingly, claim 1 is allowable. Claims 2-12, 15 and 16, depending on claim 1, are allowable for containing all of the features of claim 1. Independent claim 13 is allowable for essentially the same reasoning as claim 1. Independent claim 14, if amended to overcome the 35 U.S.C. 101 rejection, would also be allowable for essentially the same reasoning as claim 1.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIEL ZEILBERGER** whose telephone number is (571)270-3570. The examiner can normally be reached on **M-F 8:00-4:30pm est**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on (571)272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DZ
04/09/2010

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